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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,801	01/22/2001	Frank Meyer-Guldner	16274.71b.2.2	3749
22913	7590	06/02/2009		
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER WOOD, KEVIN S	
			ART UNIT 2874	PAPER NUMBER
			MAIL DATE 06/02/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/767,801

Applicant(s)

MEYER-GULDNER ET AL.

Examiner

Kevin S. Wood

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☒ Claim(s) 6-11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to the Amendment filed on 21 November 2008. Claims 1 and 6 are amended. New claims 7-11 have been added. Claims 1-11 are pending in the application.

Response to Arguments

2. Applicant's arguments filed 21 November 2008 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed the applicant's arguments along with the claims and the cited reference(s), and firmly believes the cited reference(s) to reasonably and properly meet the claimed limitations.

The Applicant's primary argument is that the Funabashi et al. reference (U.S. Patent No. 5, 617,495 to Funabashi et al.) does not teach a solid body defining at least first and second surfaces; an electro-optical component mounted on the first surface, and a lens formed on the second surface. The examiner respectfully disagrees with this argument. Within Figure 2, the Funabashi et al. reference discloses the solid body defining multiple surfaces, including: a first surface having substrate with an electro-optical component (41) mounted to the surface; and further including a lens (50) formed on a second surface. The first surface is an end face where the substrate containing the electro-optical component (41) mounted. The second surface is an interior surface where the lens (50) is mounted.

Oath/Declaration

3. The Declaration submitted on 21 November 2008 has been accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,617,495 to Funabashi et al. (herein after referred to as the Funabashi et al. reference).

Referring to claim 1, the Funabashi et al. reference discloses all the limitations of the claimed invention. The Funabashi et al. reference discloses an electro-optical module (Fig. 2), including: a substrate formed with a mounting surface; a receptacle (45) for an optical fiber plug (47,48) defining a beam path substantially perpendicular to the mounting surface; and an integrated component unit mounted on the mounting surface, the component unit comprising an electro-optical component (41) and a lens (50) directly aligned with one another in the beam path between the electro-optical component. The Funabashi et al. reference also discloses the solid body defining multiple surfaces, including: a first surface having substrate with an electro-optical

component (41) mounted to the surface; and further including a lens (50) formed on a second surface. The first surface is an end face where the substrate containing the electro-optical component (41) mounted. The second surface is an interior surface where the lens (50) is mounted.

Referring to claim 2, the Funabashi et al. reference discloses all the limitations of the claimed invention. The Funabashi et al. reference discloses the electro-optical module, including the mounting surface is substantially free from aligning structures. See Fig. 2 of the reference.

Referring to claim 3, the Funabashi et al. reference discloses all the limitations of the claimed invention. The Funabashi et al. reference discloses the electro-optical module, including the receptacle part containing the receptacle (45) is disposed so as not to touch the component unit, the receptacle making contact with and being connected substantially only to the mounting surface of the substrate. See Fig. 2 of the reference.

Referring to claim 4, the Funabashi et al. reference discloses all the limitations of the claimed invention. The Funabashi et al. reference discloses the electro-optical module, including the substrate having a second surface on a side thereof averted from the receptacle, and including an electronic circuit carried on the second surface. Figure 2 of the reference clearly shows electrical contacts located on and extending from the second side of the substrate.

Referring to claim 5, the Funabashi et al. reference discloses all the limitations of the claimed invention. The Funabashi et al. reference discloses the electro-optical module, including a cap attached directly to the mounting surface of the substrate for electrically shielding the component unit. Figure 2 of the reference discloses a cap holding the lens (44) and containing the laser diode (41). It is inherent that the cap would provide at least a minimal electrical shielding effect.

Allowable Subject Matter

6. Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S. Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Uyen-Chau N. Lee can be reached on (571) 272-2397. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KSW

/Kevin S Wood/
Primary Examiner, Art Unit 2874